

Serial 6002X is the 11/3/75 memo from J.J. McDermitt to Mr. Cochran, captioned as the request at issue in this litigation and a more restricted request by CBS News. It bears your initials. Did you write this memo?

Would you please identify the other two men?

I ask you to look at the Serial Number. Can you tell us the significance of the X? Most MURKIN records have no X in their numbers.

In the upper right-hand corner there is a list of components, a routing indication. Does it hold any indication of any distribution? (It doesn't)

Next to your initials 3 copies are indicated, right?

For what purposes did you have the other copies made?

Where would they be filed?

The caption begins "Freedom of Information Act requests." Is there not ~~an~~ a special file for FOIA requests? (190)

Why is no filing indicated for the 190 file, as is customary from the other records to which you have testified?

Most of the records Mr. Weisberg has received relating to his FOIA requests were routed to others in the FBI, some of whom added comment. Can you explain the absence of any indication of any indication of this on this Serial?

The stamp on this record indicated it was serialized and filed on March 2, 1976, is that correct? (If he says no get him to explain the absence of earlier indication of filing.)

Does it usually require four months to get a memorandum to the files?

Can this four month lag indicate late filing and could that account for or be involved in the use of the X?

If one record were to be added to a list of sequentially numbered records and the number of the sequence was used the correct number would immediately indicate when it was filed, would it not?

Does not the use of the X permit the latter insertion of a record or records?

Is there any other way of which you know of/^{or} can think of giving a record a sequential number that is not its actual number in the sequence?

Suppose you were going to substitute one copy for another - can you think of any other way of having the files indicate this or the record itself indicating it within the FBI?

Please look at the file number and serial. Is it not a fact that the file number is largely invisible whereas the serial number is much larger in size and quite black. Does this look to you as though one person entered both numbers at the same time?

I show you another record on the same subject and from the same file, for the moment only so you can compare the indications relating to filing on it. This is the 12/16/75 memo from J.S. Peelman to Mr. Gallagher^{her}. Can you ascertain either the file or serial number from it?

Is it not a fact that this record is stamped with a 12/31/75 date of filing?

How can you explain that a record of a month and a half later was stamped for filing two full months earlier than the 11/3/75 memo you wrote?

Does not the second memo have routing indicated in the same place on the same form with six other names added for distribution of copies?

This second record also relates to an FOIA request. Can you explain the apparent absence of filing in the proper file for these requests?

When it was prepared the file number of the MURKIN records, 44-38861 was typed on.

Why did you not follow this practise with the memo you wrote? With regard to either MURKIN or FOIA filing?

There are other differences between these two records about which I ask you to testify. ~~The~~ 12/16 record bears no marks indicating indexing, am I right?

Then how could the FBI retrieve it? (Obvious answer, wrong copy.)

Now look at your 11/3 memo. Does it not bear indications made for indexing, as under "dissemination" and "cost"?

There is no indication of name indexing, is there, Mr. Weisberg's name, Mr. Leiser's

or mine?

Is it not a fact, as the attachment to the second record can remind you, that I filed suit for Mr. Weisberg a week before you wrote your memo?

Can it be that the FBI does not need or want to retrieve from its files records relating to suits filed against it, especially over its record in the greatest manhunt in its history?

Am I to understand the opposite of what so many records I've seen indicates, that the FBI's Central Files have no indexing of Mr. Weisberg?

Isn't it a fact that the FBI has him filed in a wide assortment of subversions and domestic intelligence files, including espionage and treason? (If he says no-)

So I tell you this is the fact and I ask you how the FBI could fail to index this man who in its softer moments it refers to as "nefarious," a man it does have filed under treason and espionage and internal security - even his FOIA requests are filed under internal security? How can this possibly be?

How did you manage to fail to mention that suit had been filed when you wrote about this matter a week after the suit was filed?

Returning to indexing: your prior testimony is the the Central Files index is limited to names and names only. As we've seen no names are marked for indexing in these two records. But the indexing marks on the second memo exist - for subject indexing. However, you testified that Central Files has no subject indexing. How can you explain this? (One obvious explanation is a separate index, possibly outside Central Files.)

Does it not appear that similar marks have been added for the Department's FOIA unit, to which no copy is otherwise indicated on this record?

Does it not also appear that "legality of withholding" is indexed?

Is this not a subject to which the FBI might want to refer in the future without reading the entire MURKIN file?

How can you reconcile this with your previous testimony? That only names are indexed and that subjects never are and that the FBI has to read entire files to retrieve by subject - for anything, any subject?

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Let us stop fencing, Mr. Wiseman, and let's forget about the fairs and needles stuff. Can you imagine clearer indication, absent an instruction book, of multiple sets of records and multiple indexes? (He'll fence and evade and maybe Betsy will holler but persist)

They please give me your explanation for both the added marks and the absence of marks and relate that to the dates of the records and the filing stamps and the X number.

Your memo isn't even captioned MURKIN but it got there. Your memo is captioned FOIA but from this record it never got there. Is this how you get to be an FBI FOIA supervisor - and by not mentioning a lawsuit against the FBI and by not indicating any distribution after there is a lawsuit filed against the FBI?

If he has behaved badly enough and has weaselled or clearly enough lied:

If a high school freshman were to testify as you have would you believe him or believe he has all his marbles?

Now you testified that of the ^{seven} ~~six~~ items of Mr. Weisberg's request you turned the ~~the~~ first six over to the Lab and Mr. Kilty and handled the seventh yourself. Your personal handling appears to have been to have nothing at all to do with searching for and compliance with Item 7, from your prior testimony, which made you the most qualified person in the FBI to provide three different affirmations. You left every-~~th~~ thing to somebody ^{else} ~~one~~ and nobody else provided the affidavit of compliance or responded to the interrogatories. Except for Mr. Kilty's affidavit relating to the Lab records.

You also testified that you believed Mr. Kilty provided you with a written report but there being a duces tecum subpoena you managed not to bring his report.

Please turn to page 2 or the addendum of your 11/3/75 memo. It is headed "Laboratory Addendum," followed by Mr. Kilty's name, the date 11/14/75, and reference to 8 enclosures that are listed in the body of the addendum. Is this the report you referred to? And are these, as they appear to be, the materials you furnished to me for Mr. Weisberg?

Was there any other report to you on his searches by Mr. Kilty prior to your

giving me these records and representing that as full compliance with Mr. Weisberg's request?

(If he says there is another, ask for it or them and given them to me while you continue to question. Do not book interruptions by Betsy, if necessary by batting her down absent some legitimate legal objection. She will be wanting to interrupt you and give him time to cook things up.)

I read you the first works of Mr. Kilty's addendum: "It appears that Items 1 through 4 of Lesar's letter of April 15, 1975...are Laboratory matters."

You testified that you had only Item 7 searched and found nothing at all, even though you since have seen records from the file you searched that are relevant and you did not provide.

You also swore to compliance three times.

~~ANY INFORMATION, AND, THAT THE INFORMATION CONTAINED HEREIN IS UNCLASSIFIED~~

You were firm and positive that you handled 7 only. You were equally firm and positive
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that Kilty did the first six.

I asked you about Items 5 and 6 and you were positive on them- you'd turned them over to Kilty. I wondered why the Lab would know about the pictures involved and you insisted it was Kilty and only Kilty. Now we have Mr. Kilty's own memo, the one you managed to forget last time, and he states with no ifs and buts that he had nothing to do with Items 5 and 6. Yet you provided three ~~affix~~ affidavits, did you not?

FBI FOIA

We now know that the preeminent qualification for executing an affidavit is ignorance and that those who have personal knowledge are disqualified and don't prepare the affidavits. But are you telling us that you executed three affidavits when the attachment to your own memo reveals no search at all from Items 5 and 6 and you swore that no such records exist?

How could you?

Do you recall Mr. Weisberg's writing you that you had sworn falsely, that he informed AUSA Dugan, that he wrote the Director and did you draft that response?

Do you recall Mr. Weisberg's suggesting that you relieve this false swearing?

Did you ever respond?

Did you ask yourself what he could have been talking about? Anyone else? WHO?

Did you take this up with counsel, not that you are not a lawyer?

Did you even look at your own memo to see if it could have told you?

In short you did nothing at all when informed that you had sworn falsely to a federal court? (except maybe write non-responsive letters over the Director's name.)

Is it not a fact that you swore there were no pictures of the scene of this great crime?

None of other suspects?

You testified in early July that through Mr. Weisberg's leads you located the pictures of the scene of the crime you swore did not exist. Did it not occur to you then that you might want to file a correcting affidavit, so the Court would not be misinformed?

Is false swearing a serious matter to you, even in FOIA cases?

Do you prize your personal reputation for integrity and honesty?

Did it ever occur to you that your false swearing might have done some harm to this old man I represent and that you might want to apologize?

Did it ever occur to you that prizing your reputation as you do, even though you did not heed his admittedly accurate information, that you had sworn falsely, you might have wanted to express some human feeling over his informing you?

Now let us get back to the specific terms of Mr. Weisberg's request. I ask you if you have conducted any further searches, either for compliance, in response to the subpoena or as a result of what you learned at our two prior sessions?

If you please tell us what if anything you have done, what records if any you brought. (If any, get them all.)

(Give him time to explain anything he wants to change or explain and then ask if that is all)

From here let's return to Item 7

Mr. Weisberg has located copies of all the serials listed ~~xxxxxx~~ for the ~~xxxxxx~~ search in response to Item 7 of the request of 4/15/75. In searching his files Ms. Barrett also located some FBI records not listed on your search slip. They also bear no MURKIN file numbers and have not been identified as identical with MURKIN records that were provided later. We are aware that in a file of this size it is possible that other copies of these records may be in the MURKIN file. However, we have not located them.

The first one I show you appears to be dated 5/3/68. It is an M.A. Jones to Mr. Bishop memo. Would you please identify these two FBI officials?

The initials of the author are given as GWG and the copy indicated for C.L. McGowan is encircled. Would please identify them?

The caption includes "Martin Luther King Investigation." Does not this make the record a MURKIN record, even though the code name does not appear on it?

The name "Long" is written on, Can you identify this person?

This record, in the caption and in the text, related to Jerry O'Leary. He is specified in Item 7, is he not?

Is he not described in the first paragraph as both "a very friendly and reliable contact of the Bureau" and "the author of two outstanding articles on the Director."

Has you 10 years with the FBI, most of them in Washington, enabled you to perceive that this is an FBI manner of saying he is our boy and had flattered Mr. Hoover?

The Readers Digest is also mentioned in the caption and throughout the text, is it not?

Does not the second paragraph state that "We," meaning the FBI, of course, cooperated with the Readers Digest in the preparation" of the article referred to?

Does this not mean that the FBI provided information for the story it liked?

(If he says no or that he does not know ask -- How else can the FBI cooperate with as large and wealthy a publication other than by giving it information it does not have and can't get elsewhere?

The third paragraph described the previous article and the Ray/King case as similar, does it not, saying before Ray was captured, before the investigation was completed, before any trial ~~that in both cases~~ "that in both cases involve a 'loner' who used fictitious names and backgrounds." Does this not represent both a preconception and what was and is the FBI's official explanation of the crime?

From your 10 years as an FBI special agent and supervisor, from your experience as a lawyer, is it at all unusual for ^acriminals to be a loner who uses an alias?

(If they argue ~~ask them~~ tell them first that this is not unusual and not worthy of special attention but that it appears to be telling higher FBI authority that the O'Leary/Digest article will say what the FBI wants said, which is the thrust of the whole memo and becomes more clear later.)

Does not the next paragraph indicate that the Digest is in a hurry and will say what the FBI wants said about Ray?

On the next page there is a recommendation. I ask you to read it.

Does it not recommend that ~~the~~ "we cooperate" and that this cooperation include making information available?

Does it not also state that the FBI will provide what it calls "guidance" to O'Leary and the Digest?

Is not this kind of information the kind requested in Mr. Weisberg's Item 7?

How did you, ~~manager to avoid finding a record~~ and experience FBI Special agent and FOIA supervisor and your assistants and all of FBI's Central files personnel manage to avoid an FBI record a college student could find in Mr. Weisberg's files?

The next FBIHQ record I show you also bears no file markings, ^{until added by hand,} no code-name MURKIN, but the caption includes "assassination of Martin Luther King," does it not?

Should not this record have been in Central Files, should it not also have the 44-38861 number and a Serial number?

The names of Messrs DeLoach, Rosen, Sullivan and Jones are typed on for copies at the bottom and there were six copies made. ~~But~~ If each person whose name was typed on received a copy, what became of the other two, in normal FBI practice?

This memo reports several phone calls from Gerold Frank in which he asked for ^{Mr. Bishop} ~~FBI assistance from Mr. Bishop~~ assistance in writing a book, does it not?

Does it reflect that Mr. Bishop ever told him the FBI would not help him, would not provide any information?

Does it not hold forth the possibility of providing information to Mr. Frank once the trial was over, a trial then but five months off? (If they agree read last sentence, ~~XXXXXX~~ "premature to discuss such a book with Bureau cooperation and we could not even consider ~~the~~ such a matter until prosecution was completed."

Does not this record indicate the possibility of records pursuant to Mr. Weisberg's Item 7 existed in FBIHQ files?

Do not good faith and due diligence require a search for any such information if you locate a record like this one?

Does this explain the FBI's failure to locate this record in its search of Central Records and the index there?

Does not this record, ^{too,} have typed on it the identification of the Gerold Frank file, 94-63917?

How many ^{more} citations to this Gerold Frank file would the FOIA unit require before searching ~~its file~~ the FBI's Gerold Frank file to respond to an information request relating to Gerold Frank? We've given you a number and can give you more.

Throughout this long case it has been the FBI's position that it does not provide information to writers and in this deposition it has been your testimony that the only place to go to get leads was the FBI's information office, is that not correct?

(Be prepared to question him if he disputes this or Betsy argues.)

I show you another record that has no file number but again has MURKIN written on it. The subject matter is the request of Professor David L. Lewis of Morgan State College for an interview with Director Hoover for a King biography he is writing for Penguin Books. (The book was published and Mr. Wiebberg has read it. it is regarded as a standard work on Dr. King.)

In this memo to Mr. Bishop M.A. Jones recommended against granting the interview but did recommend sending Professor Lewis certain information itemized in the draft of the attached letter, is that not correct?

In addition to Messrs DeLoach, Rosen and Bishop copies of this memo are indicated from Miss Gandy, Miss Holmes and "Tour Room." Is not Miss Gandy Mr. Hoover's personal secretary and was this not a direct channel to him?

Who is Miss Holmes and why would a copy be sent to her?

(Questions relate to searches, places to search, even if they argue Murkin, which by now clearly did not hold all known records.)

Why would this kind of everyday stuff be sent to the Tour Room of all places?

Why would the Tour Room have to know that Professor Lewis was writing a book?

By any chance is the "Tour Room" a euphemism representing something other than conducted tours of the FBI building? I also ask this because Professor Lewis was not invited to make the tour.

It appears that JHC drafted the memo and the letter for the Director. Can you identify JHC? (If he says he can't ask if it could by any chance be Mr. Conrad and if he knows Mr. Conrad's position and functions within the FBIHQ.)

Can you explain why 9 copies of the memo and 11 copies of the letter for the Director were required and where the other copies may be?

With so many copies and with something considering this is a MURKIN record and wrote that on it can ~~be~~ you explain why this is not in the MURKIN records provided to Mr. Weisberg?

I will come to Mr. Weisberg's source of these records in a moment. For now I limit myself to informing you these are all FBI copies and ~~not~~ not from what was provided from the MURKIN records. I now show you ~~the~~ a copy of a memo of 10/14/68 from Stephen J. Pollak, AAG, Civil Rights, to the Director. Does this not appear to be a copy of the CRD's files copy rather than of the original to the FBI?

Is this the norm or is the norm that the FBI has copies of the one sent to the Director?

Can you explain how we managed to obtain from the FBI a copy of the CRD's copy and were not given a copy of the one to the FBI?

No FBI file identifications appear on this record, do they?

Two number identified as DJ numbers do appear, do they not, 144-72-662 and 41-157-147?

Do you know what they represent and can you relate them to FBI file numbers?

The caption is "Assassination of Martin Luther King, Jr.," is it not?

Would the FBI note ordinarily automatically give this record the 44-39961 number and a Serial number?

Can you explain the omission of any FBI file identifications on a record in FBI files a decade after the assassination of Dr. King?

This memo refers to William Bradford Huie, who is listed in Item 7, is it not?

It also refers to a "report of Special Agent Rene J. Dumaine" relating to Mr. Huie. If his name was removed from any copy of that record that may have been provided to Mr. Weisberg, as you removed FBI names in the records you provided and as your successors did for all records chronologically log after the period of October 1968, is there any way in which Mr. Weisberg ~~can make positive~~ or anyone consulting the copies provided to him can make positive identification of this Dumaine Report relating to Mr. Huie?

A handwritten notation refers to the possibility of Mr. Huie being called before a grand jury. Is that not the kind of information the FBI might believe it might have some need to retrieve at some future date?

(If he says yes ask him how from this copy that is possible. This, of course, indicates the need for other copies to exist and they are not provided. It also indicates permanent copies outside Central Files. It also may be that a copy is in MURKIN and we did not locate it, but Rae's was a careful search that took much time.)

He he says no or that he doesn't know, ridicule the hell out of his being a lawyer with 10 years of experience as a Special Agent and ask him to compare it with what the FBI found it necessary to preserve and be able to retrieve:

With whom James Earl Ray slept;

With whom Jerry Ray ~~slept~~ spelt, including an FBI informer whom he paid, the sum also preserved;

With whom John Ray slept, where and when;

With whom Marina Oswald slept in her widowhood;

Who slept with whom in the flophouse from which Dr. King allegedly was killed;

And even a copy of a letter Mr. Weisberg wrote to the editor of his local newspaper over the firing of a college professor, which was marked for indexing and was filed and indexed.

These are important matters to the national pre-eminent law enforcement agency but matters relating to a grand jury in the assassination of Dr. King are not?

While the copies of FBI records I now show you are not from MURKIN files and also bear no MURKIN or other file identification, they either are duplicated in MURKIN records or seem We are Ms. Barret located or ~~are~~ familiar to Mr. Weisberg. ~~It is~~ not certain that all are duplicated in MURKIN records. All are captioned as relating to the assassination of Dr. King and all are captioned as relating to authors named in Item 7 of the request.

Before going into them and because the names of the same FBI personnel appear in them I ask you if it is not fair to state that there appears to be a regular channel relating to requests for information or assistance by writers, from Mr. Jones to Mr. Bishop and from Mr. Bishop to Mr. DeLoach?

I also ask you if you are not familiar with the leads relating to this request

Item of his

by Mr. Weisberg, that it was well known in Washington and not only to the press that these functions were performed by Mr. DeLoach and Mr. Bishop

Is it not a fact that before providing an affidavit to this effect Mr. Weisberg informed you and Mr. Blake of this at our first personal meeting?

Did you follow up on those leads? If not why not?

Government counsel has complained, we believe unjustly, that Mr. Weisberg failed to provide adequate information relating to claims of non-compliance, including relating to the searches. But what good does it to a requester to provide information to the FBI if the FBI thereafter refuses to make any search in response to the information?

Before proceeding with the other records relating to this Item of the request, I want to ask you to reconsider your prior testimony, that you did not know that Mr. DeLoach and Mr. Bishop had these functions within FBIHQ, bearing in mind your long FBI service most of which was in Washington, your reading of Washington newspaper, I presume, your conversations with others in the FBI had particularly because Mr. Weisberg did provide this information which from the records have shown you to know appears to be of really unquestionable accuracy.

Can it possibly be that you, within FBIHQ, was not aware of what was common knowledge in Washington?

(Kf Betsy interrupts ask her if she was not aware of it.)

So I ask you again why you made no search to determine whether the records of the offices of Mr. DeLoach, Mr. Bishop and the others identified in the records you have been shown held information responsive to this Item of the request in this case the Attorney General himself has determined to be an historical case, requiring more than usual diligence in searching and the most ~~generous~~ liberal possible interpretation of the exemptions to the Act?

While the first of this group of FBI records is not one Mr. Weisberg recalls from MURKIN records I have separated it because it contains a tacit admission that the FBI provided all or virtually all of the information for a book favorable to the FBI by one who had an earlier similar history, of writing books liked by the FBI, ~~xxxx~~ because is ~~xxxx~~ is without doubt that he received extensive information from the FBI and was submitting his book to it in advance of publication, and because this record has a 94-number. It appears to be 64512 and to relate to one H. Paul Jeffers.

I show you another M.A. Jones to Mr. Bishop memo the date on which is unclear but appears to be of 1971. Parenthetically, this was more than two years after Mr. Weisberg's ignored request in this instant cause, the request the top FBI hierarchy with the Director's approval, decided would be ignored, FOIA or no FOIA.

This memo has names for copies not on earlier records you've seen. One is Mr. Gale. Is it not true that he headed the Inspection Division and if I am correct in this would be why ~~was~~ a copy sent to your inspector general?

Can you identify Mr. Engelstad and his relationship with providing information for inspired or sycophantic books?

Mr. Jeffers love affair with the FBI is in the third paragraph. The four paragraphs ~~he~~ reports ^{he} had completed the drafts of the first eight chapters and concludees "Material also has been furnished to him for chapters on" three more top-ten criminals.

The only FBI file number appearing on this record is the cited ~~95~~ 94 one. Does this not make it clear that any response to Item 7 relating to information provided to other writers requires a search of the 94 files?

According to this memo, which may or may not be cover-the-Bureau paper, it was decided that no information could be provided relating to James Earl Ray. The ostensible reason, in the second paragraph of page 2, is that "despite the fact that he pleaded guilty in the 1968 murder ~~xxxx~~ of Martin Luther King ... a civil rights charge is still outstanding against him in the King case." This is followed by "Thus we cannot furnish ~~xxxx~~ Jeffers details of our investigation."

As a lawyer and an experienced FBI Special Agent can you think of any prosecution

of Ray after his 99 year sentence that would have been likely or would not be precluded by double jeopardy?

Based on the same expertise can you think of any reason why the FBI, could not with complete safety provide Mr. Jeffers ~~which~~ the FBI's information that was used in the extradition hearing and the guilty please hearing and had appeared in other writing, like O'Leary's of two years earlier - all the information in which he credited to the FBI?

If we assume that maybe, just maybe, there was another reason for not giving any information ^b that the FBI knew help to Jeffers on the Ray case, ~~is the FBI is knowledgeable that~~ another and major book to its liking was coming out and ~~that~~ it did not want to ~~like~~ intrude any ~~shadow~~ shadow between it and the glow in which the FBI would luxuriate in another book?

Would it interest you to know that at the time in question Gerold Frank's book was on its way to publication, with ~~more than~~ a quarter of a million dollars committed to the advance and promotions of the hardback and the paperback editions?

This and Jim Bishop's book were both favored by the FBI, you may recall from prior exhibits. Bishop's book appeared in 1971, too. And ~~in~~ in his "sources" he credits the FBI on page 498, where it is the only law enforcement agency credited.

There is a handwritten note reading "File X w/(ith) King Tickler." It is a King assassination record, is it not?

Does this not suggest that there were ticklers with records relating to books on or about the King assassination?

From your testimony I take it you neither searched nor searched for ticklers that might hold records within the information request?

When Mr. Weisberg provided copies of the thanks some writers expressed for the FBI's help and you appear to have found no relevant records in the MURKIN file did it not occur to you that such records existed elsewhere within the FBI?

But having avoided any relevant records in MURKIN you proceeded to take no ~~chance~~ chances, searched no other files and thus produced no records that could be embarrassing to the FBI, is that correct?

Two of the FBI memos Mr. Weisberg has that have no MURKIN file numbers related to from Clay Blair, one of the writers listed in Item 7. Both are by T.E. Bishop to Mr. DeLoach. While neither has the Murkin identification in its preparation, both have this code name written on. The first is for file 62-101501 from what is typed under the caption. Immediately above this file number is typed another part of the caption, "book on Martin Luther King Assassination." Does this not suggest that File 62-101501 should have been searched in compliance with Item 7?

Do you know what this file is for?

Isn't 62 a kind of catch-all for "Administrative Matters," which can be almost anything?

really
If you checked FBIHQ's Central Files how could you have missed this file number for "Book on the Martin Luther King Assassination," which relates to Item 7?

Blair had his manuscript completed when he submitted it to the FBI for correction. Does this not involve providing him with information, the subject of Item 7?

For your information the book goes straight down the FBI line so it had little to gain by providing him with other information for which he asked once it was completed and a major mass-market publisher was bringing it out.

There is also a McMillan record without the MURKIN file added to it, a Melmfeldt to Mr. Franck memo of 11/27/73. This has the MURKIN identification written on only, without any file numbers. With the date the end of 1973 and your testimony about the short time with part of this MURKIN identification appearing to refer to ticklers in the plural, "Out with Murkin Ts," can you reconcile this with your prior testimony that ticklers were kept for brief periods only?

~~On the same day that he wrote one of the Blair memos entered above, 3/10/69~~

There are three other T.E. Bishop to Mr. DeLoach memos relating to Gerold Frank and his book, all with his name and the King assassination in the caption but none with MURKIN file numbers. These are dated 2/12 and 7/25/69 and 3/10/70.

One of the three has the notation I quoted above, "Out with Murkin Ts." All three

conclude the caption with "BUFILE 94-63917." Has it occurred to you yet, with all the times you've seen this reference on FBI ^{records} relating to Frank and his King assassination knowledge book and with your knowledge that it is a file on Frank, that you should have searched this that file to comply with Item 7, which includes Frank?

Frank's request for FBI information was not refused in these records. Rather was he told that "until the prosecution in the instant case was completed, it was premature for the Bureau to consider cooperating with any author." (Not counting O'Leary, that is.) This is in the first memo twice, and the same number of times in the second. While it also is in the third, that one begins by saying that on 1/21/70 the Director wrote and asked the AAG, Civil Rights, "for permission to consider assisting a reliable writer in preparing a factual account of the King assassination."

Does this not indicate that there should be records responsive to Item 7?

Not that the Bureau had any doubt from its consideration of having him write the officially unofficial book ~~officially unofficial~~ as earlier exhibits reflect, but Frank ended the possibility with the assurance that what he would write "will only be most favorable and will not be critical in any way."

Do you see anywhere in these records any representation that the FBI told Frank it would not provide him with any information?

With the Director actually asking permission, which appears to be an unusual step except for covering the Bureau, did not that suggest and should it not suggest that good faith and due diligence required further searching?

The other officially unofficial prospective author of the FBI's book was Jim Bishop. No MURKIN file number appears on this but there is a notation "Out in Murkin memo folder, as you can see. (Give him copy) T.E. Bishop in this/record told Mr DeLoach that 6/1/70 favored FBI vehicle Readers Digest had contracted with Bishop for the book, that "it ~~will~~ would be most favorable to the FBI" but that "We have not started working with Bishop in the preparation of the book..." Does not such language suggest that there might be records relevant to Item 7?

Somehow five years before the Church committee's disclosures Bishop seems to have learned of the FBI's campaign against Dr. King and the nature of the records it had compiled from what Mr. T.E. Bishop states Mr. DeLoach told Bis Jim Bishop one June 1: "You... advised him in no uncertain terms that it would not be possible for the Bureau to furnish him any information whatsoever concerning King's immoral character ~~or~~ or his communistic or subversive connections." Before reading you what follows I ask if there was any way of ^{providing} ~~making~~ more positive confirming ^{ation} of what we now know the FBI had been leaking all along?

~~More directly~~ To out this another way, did not Mr. DeLoach, "in no uncertain terms," provide information to Jim Bishop?

According to this memo Jim Bishop was told by Mr. DeLoach that "if and when we get clearance from the Department to do so we would be willing to cooperate with him..." Should not this also strongly suggest that if you found no record of any "cooperation" with Jim Bishop further search might be required?

(If he says no remind him that Bishop credits the FBI as his only official source in his book and ask if that means nothing to him when it comes to making a search.)

According to an undated, unsigned memo by EAM titled "File Review, Subject William Bradford Huie," he, too, made the FBI's 94 club. There are files on Huie in the file relating to his writing about the Philadelphia, Mississippi case. He is in a 44 file, 25706 twice and besides MURKIN records is in a 10/11 file which means "Atomic Energy Act - Criminal." Then there are three file numbers withheld under the privacy claim, the first time I knew you'd claim rprivacy for a number. Ir, as this memo states, Bureay files contain considerable information regarding Huie." My question is how, without searching those files, could you swear they held no information relevant to Item 7?

All of the records I've just shown you relate to authors wanting and getting information from the FBI and not one of the records shows any signs of having ever been to Central Files or of having a MURKIN file identification affixed, am I right?

~~For your information~~

Can you reconcile this with either your testimony that the only copies that are kept for more the brief periods of time are in Central Files and that to comply with a request you need do no more than consult the Central Files?

These are not all the FBI records Mr. Weisberg has obtained that were never in Central Files. They are a small percentage of those he obtained the end of last year, all, like these, without the required ^{site} Central Files indentifications.

So I am asking you if you want to make any change in your testimony to the effect that all records are in Central Files and that to comply under FOIA it is necessary to search there only?

(You might want to ask him if this is new within his FOIA experience or if he has knowledge of other records responsive to other requests that were not in Central Files only, etc.)

For your information Mr. Weisberg obtained these records the end of last year, or more than 10 years after Dr. King was killed. Do you want to make any changes in your expert testimony that copies of records outside of Central Files are kept for only brief periods of time?

In describing your great effort, your walking that extra mile not required by the Act to provide all possible copies to Mr. Wiesberg and providing him with a remarkably few pages as a result of this college try, you testified that you consulted Mr. Lawn, described to you as the person who knew most about the King assassination in the FBI, is that not correct?

Mr. Lawn's name is not unfamiliar to Mr. Weisberg. Would you please identify him by Division and function?

How did this equip him with more knowledge of the King assasination than anyone else in FBIHQ?

Did you not also provide him with copies of communications relating to Mr. Weisberg's information request?

Is not his role essentially a political role?

Was he in fact the best FBI authority to consult for assistance in complying with this request in this historical case, from your own independent knowledge of the structure of the FBI?

What is the file number for the King investigation? (44-38861)

What does this represent in the FBI's filing system of file number identifications? (Civil Rights.)

If you paid attention to the records I showed you without Central Files markings you noticed that on most of them the name "Mr. Rosen" is opposite the copy circled, is it not? (If he says he doesn't recall ask him to check and satisfy himself.)

What Division did Mr. Rosen head at the time of the King assassination and for some time thereafter? (General Investigative.)

To what Division did the FBI customarily allocate civil rights cases? (I presume GID)

Did you notice another name written on many of the records you've just examined, that of Mr. Long?

Are you aware of his position at FBIHQ at the time of the King assassination and thereafter? (If he says no or otherwise -

Is it not a fact that in Mr. Rosen's Division Mr. Long was supervisor of the Civil Rights Unit, the unit to which the King case was assigned?

How did this make Mr. Lawn the superior expert?

Did you ever consult with Mr. Long in an effort to comply with Mr. Weisberg's request?

Did you go to that Division for this purpose?

Given your personal FBI experience, your knowledge that this was a Civil Rights case, why did you not seek out the Civil Rights Unit supervisor in your above-and-

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beyond determination to provide all possible records, this super-compliance of which you testified that it provided Mr. Weisberg with more records that he otherwise would have received?

You testified that there are case ticklers. Who would normally keep them in a case like the King assassination?

(If he gives any names or functions asked if he asked them for assistance in compliance.)

Would these case ticklers hold the kind of information Mr. Weisberg ~~xxxx~~ requested?

In your super diligence did you come accross any lead to Mr. Long whose name appears of so large a percentage of the records you have just seen?

Do you recall that when Mr. Weisberg and I met with you and Mr. Blake Mr. Weisberg asked for a search of Divisional files?

With this to your knowledge a Civil Rights case did you make any effort to determine if the Civil Rights Unit or its Division had any records related to the King assassination?

For your information, Mr. Wiseman, the records you have seen are from what remains of Mr. Long's tickler, which was originally arranged on three dozen subjects related to the criminal case. Also for your information because the FBI refused to make this obvious and indicated search that irreplaceable record no longer exists in the form in which it was a control file over the case.

You are only the first not to have searched it or for it or that Division's files.

Also for your information in another case Mr. Weisberg has obtained records indicating that this Division has its own files and filing personnel.